



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00769-00

12 May 2000

Mr. [REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 21 and 27 March 2000, copies of which are attached. The Board also considered your undated letter with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted paragraph 4 of the advisory opinion dated 21 March 2000 is incorrect in stating "During the past nine years of reserve duty, [you] received only regular promotion recommendations on all fitness reports." As pointed out in your undated letter, your fitness report for 1 November 1994 to 4 November 1995 recommended you for "early" promotion (although the report for 1 January to 31 October 1994, from the same reporting senior, was a "regular" promotion report). However, and despite the recommendation in the opinion dated 27 March 2000 to remove your failures by the Fiscal Year 99 and 00 Reserve Line Lieutenant Commander Selection Boards the Board concurred with the remainder of the opinion dated 21 March 2000 in finding that your failures should stand. They found your selection would have been definitely unlikely, even if your designator had been 1675 rather than 1305.

Since the Board found insufficient basis to remove your failures of selection, they had no grounds to set aside your discharge from the Naval Reserve effective 1 April 2000. Finally, they found that changing your designator would not be a material correction, without action to restore you to the Naval Reserve.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

769-00

5420  
PERS-86

**21 MAR 2000**

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF [REDACTED]  
[REDACTED] ISNE [REDACTED]

Ref: (a) 10 USC Section 1552  
(b) BCNR memo PERS-00ZCB of 15 Mar 00

Encl: (1) BCNR File 00769-00 w/Service Record

1. Per references (a) and (b) we are returning enclosure (1) with the following comments and recommendations.

2. Lieutenant [REDACTED] requests removal of two failures of selection from the FY-99 and FY-00 Lieutenant Commander (LCDR) Selection Boards. He also requests a change of designator to 1675.

3. When formulating advisory opinions we are limited to considering the factors which are within the purview of this office to address. That is: only the issues directly affecting the petitioner's promotion potential. Normally, 1305 officers do not compete well against other unrestricted line (URL) designators. In the FY-99 and FY-00 LCDR Line Selection Boards, only 10% of the in-zone 1305 officers selected for promotion. While during the same two boards, 1675 in-zone officers selected at a 48% selection rate in the Merchant Marine competitive category.

4. Based on these statistics we could make the case Lieutenant [REDACTED] have completed more effectively as a Merchant Marine. However, Lieutenant [REDACTED] does not have a strong record of performance. During the past nine years of reserve duty, he received only regular promotion recommendations on all fitness reports. For amplification, most officers who select for promotion consistently receive "early promote" recommendations or

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE [REDACTED]  
[REDACTED] NR, [REDACTED]

at least show a trend of improving performance. In addition, on an October 1993 fitness report Lieutenant [REDACTED] received a letter grade of "D" in personal behavior with the report stating, "Lieutenant [REDACTED] performance has been less than outstanding during this reporting period. During MIUW Camp 93, he was involved in several documented incidents involving behavioral traits less than expected of a Naval Officer."

5. In our opinion, Lieutenant [REDACTED] promotion potential is at best limited regardless of designator. We recommend the two failures of selection remain. Pers-911 needs to address the request for a change of designator.

[REDACTED]  
[REDACTED]  
G  
Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
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769-00

5730  
PERS-911  
27 MAR 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
LT [REDACTED] USNR [REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 02 Mar 00

Encl: (1) BCNR File No. 00769-00

1. As requested in reference (a), enclosure (1) is returned with the following comments concerning [REDACTED] case. LT [REDACTED] requesting a change of designator and to have two failures of promotion removed from his record. We support his petition with regard to change of designator to 1675 and the opportunity to be reconsidered for promotion.

2. [REDACTED] entered the Naval Reserve with a 1305 designator after attrition from flight training on active duty. Citing his U.S. Merchant Marine Academy degree in engineering, his Engineer's Coast Guard license, and his civilian work experience [REDACTED] requested a change of designator to 1675 in June 1990. He was more than fully qualified for this change of designator and it should have been approved because it was in both the Navy's and the member's best interest. Unfortunately, however, we disapproved his request on 18 Nov 92. We cannot ascertain the exact reason for disapproval due to transfer of personnel. [REDACTED] actively participated in the Naval Reserve in both pay and non-pay status since leaving active duty. After reviewing [REDACTED] education and professional qualifications, it is our belief that an error occurred in denying his original request for change of designator to 1675.

3. My point of contact is [REDACTED]

[REDACTED]  
Captain, U.S. Naval Reserve  
Director, Naval Reserve Personnel  
Administration Division